

**Board of Towing and Recovery Operators
March 17, 2010, 10:00 am
Meeting Minutes
Department of State Police
Police Academy Room 335
7700 Midlothian Turnpike, Richmond, VA**

Members Present:

Colonel Steven Flaherty - Chairman
Adan Rangel, Jr.
Archie Orr
Scott Wyatt
Mark Sawyers
Cpt. Raymond W. Gill, IV
Charlie Brown
Andres Alvarez – Designee of the Virginia
Department of Agriculture and Consumer
Services

Ron Miner
Kenneth Mitchell
Joseph A. Troilo, Jr.
P. Dale Bennett
Woody Herring
Gary Teter
Brock Cole – Designee of the Commissioner of
the Department of Motor Vehicles

Members Absent:

Randy Seibert

Board Counsel:

Jeff Spencer – Senior Assistant Attorney General

Staff Present:

Marc Copeland
Barbara Drudge
Kara Corso

Call to Order:

Meeting was called to order at 10:06 am.

Public Comments:

Ray Hodge, of Highway Garage, commented on the lack of enforcement of the towing laws and regulations in his area.

In response to Mr. Hodges comment, Captain Steve Chumley of the Virginia State Police, stated that Ms. Drudge contacts him with unlicensed tower information and that he contacts the applicable jurisdiction's first sergeants and or troopers who will then go investigate the matter.

He stated that they have been successful in their efforts to gain compliance from unlicensed towers, and that they are addressing the complaints.

Eric Fly, of the Virginia Wrecker Association, thanked the Board for the work they had put forth on the renewal applications and the bylaws. He stated that the Board has been in effect for 3 almost 4 years, and has collected almost \$2 million, but without improvements in the towing industry. He expressed his concern for the lack of temporary driver authorizations, and said this was a concern for folks in his area of the state, since they can not work until they receive their license. He further stated that there is still little to no enforcement of the towing laws and regulations, and the licensing process is still taking 1-2 months. He mentioned an individual that has not received their license in 3 months since their initial application. He went on to say that things are not getting better, and that the Board is trying to stick a square peg in a round hole, and recommended that the Board take a new direction by suggesting that local and state police handle enforcement of the laws and regulations, the DMV handle the licensing process, and the courts issue the punishment and fines. He urged the Board to consider his concerns.

Ray Drumheller, president of VATRO, responded to Mr. Fly by saying that the Board has worked hard and that they are getting there, despite the length of time it has taken, but the Board is doing a great job.

David Adams, of Providence Forge, Virginia, also stated that the Board has had to accept the views of other towers and that it takes time to do something right.

Lee Bowman, of Bowman's Towing, expressed the need for the credentialing fees to be decreased.

Charlie Blanchard, of Blanchard's Tidewater Wrecker Service, requested a decal voiding mechanism due to stolen stickers and suggested that the BTRO license be reflected on the vehicle registration.

Deputy Brian Blackington, of the Spotsylvania County Sheriff's Department, stated that it is part of his duty to enforce the towing laws and regulations in Spotsylvania County, and that he has a 100 percent conviction rate on the tickets that he has written. He further stated that he is in constant contact with Ms. Drudge to confirm that towers have either applied for a license, or already have a license, and that there is enforcement in Spotsylvania County.

Acceptance of Meeting Minutes:

Chairman Flaherty requested a motion to accept the December 15, 2009 Board meeting minutes as presented. Mr. Mitchell so moved, Mr. Orr seconded that motion, and all were in favor.

Chairman Flaherty requested a motion to accept the January 12, 2010 special Board meeting minutes as presented. Mr. Mitchell so moved, Mr. Troilo seconded that motion, and all were in favor.

Executive Director's Report:

Mr. Copeland mentioned the transition of the Board to the Public Safety Secretariat, effective July 1, 2010, and that the Board will be reporting to the Secretary of Transportation in the meantime. He brought up the status of the new phone system, and his discussions with VITA/Northrop Grumman, the CIO council, and DPB, and that they intend to have the new phone system in place by the April 1, 2010, of which the statement of work was received March 12, 2010. He plans on paralleling the new phone system process with the start of the credential renewal process.

To demonstrate compliance of the towers, he mentioned that since July 1, 2009, there has been a 25% increase in operator's licenses and a 20% increase in driver authorization documents. He stated that the renewal process is intended to begin in March in order to allow a 3 month advance on processing the large volume of renewals before their expiration. In addition, the credentials that have been issued since July 1, 2009 will be extended to reflect a full 12 month period of licensure, and will be re-issued to reflect that.

He stated that he received information on the acceptance of credit cards for credentialing payment, and that Visa, MasterCard, Discover, and American Express are what would be eligible for acceptance. He went on to say that convenience fees are able to be charged, although he is not aware of any executive agency that does, and that BTRO would be charged 2.5 cents per transaction that they perform. He further stated that BTRO gets daily requests for credit card acceptance, and pointed out that since the towers are required to accept credit cards, that the Board should as well.

Chairman Flaherty requested a motion to accept credit cards. Mr. Orr moved to enter into an agreement to begin accepting credit cards. Mr. Troilo seconded that motion. Mr. Minor requested that the motion be amended to state that credit cards be accepted, but absent a convenience fee. Chairman Flaherty stated that since the motion was not presented as stating that convenience fees would be charged, there is no reason to amend the motion, and Mr. Minor withdrew the amended motion.

Mr. Mitchell stated that while he supported the acceptance of credit cards as a convenient way to pay a bill, he expressed his concern that the credit card companies would be getting paid twice for the amount of the convenience fees if the cardholder did not pay their bill that month.

Chairman Flaherty called for a vote for the original motion. All were in favor except Mr. Mitchell.

Bylaws and Policy Committee Report:

Mr. Wyatt, in the absence of Randy Seibert, discussed the February 17, 2010 Bylaws and Policy Committee meeting and the changes to the bylaws.

Mr. Bennett motioned to accept the bylaws except article 8, section 3. He amended the motion, and moved to accept the bylaws except article 8, section 3 and article 11. Mr. Sawyers seconded that motion, and all were in favor.

Chairman Flaherty clarified that the committee chair recommendations have to be approved by the full Board. Mr. Wyatt commented that in the beginning, it was the intention of the Board that the committee chairs were towers. Mr. Herring agreed that the towers deserve to have representation on each committee.

Chairman Flaherty requested a motion to accept article 8, section 3 of the bylaws. Gary Teter moved to accept article 8, section 3 as written; Mr. Brown seconded the motion, and Mr. Gill, Mr. Teter, Mr. Miner, Mr. Brown, Mr. Boswell, Mr. Mitchell, Mr. Rangel, Mr. Cole, Mr. Troilo, Mr. Herring, Mr. Bennett, Mr. Wyatt, Mr. Sawyers, and Mr. Orr were in favor. Chairman Flaherty and Mr. Alvarez opposed the motion.

Mr. Sawyers suggested adding a requirement for quick notification from the Executive Advisory Committee to the Board of any decisions made, to article 11 of the bylaws. Chairman Flaherty stated that any changes that would be made today would need to go back to the Bylaws and Policy Committee for review. Mr. Sawyers stated that it should be a policy to notify the Board of committee decisions immediately. Mr. Spencer stated that the Executive Advisory Committee is subject to the Freedom of Information Act, and that decisions are public and not secret.

Chairman Flaherty requested a motion to adopt article 11 of the bylaws as written. Mr. Orr moved to adopt article 11 of the bylaws as written, Mr. Herring seconded that motion, and all were in favor.

Discussions/Other Board Actions:

Mr. Sawyers suggested adjusting the credentialing payment fee structure. Mr. Brown commented that the fee structure was promised to be reviewed for the third year of licensure.

Mr. Sawyers also inquired about the Callahan Act and Mr. Copeland stated that is being monitored, and the Board will be notified.

Chairman Flaherty asked that the Administrative Affairs Committee to address the issue of adjusting the credentialing payment fee structure and make recommendations to the full Board.

Additional Public Comments:

Travis Hill, with AAA, commented that the Slow Down/Move Over legislation passed and will take effect on July 1, 2010. He commented that article 8, section 3 of the bylaws ties the Chairman's hands on whom he can choose to chair the committees, and recommended a diverse Executive Advisory Committee.

George Mahone, of Skimino Enterprise, stated that BTRO should be accepting credit cards since they require the towing applicants to do so.

Mr. Blanchard commented that applicants should pay a convenience fee for paying with a credit card.

Floyd Mays, of Floyd Mays Insurance, stated that he wants to see the Board lower the credentialing fees.

Mr. Alvarez suggested accepting Automated Clearing House (ACH) payment options, and Mr. Copeland stated that it may be available once the online payment option is in place.

Mr. Fly commented that the committee chairs should be licensed towers.

Connie Miller, of Blue Streak Towing, stated that check payments could be discounted. She then inquired about local law enforcement's education on the towing laws and regulations of which Chairman Flaherty stated that enforcement of the towing laws and regulations is increasing, and suggested inquiring with your local police chief or local sheriff.

Dana Schrad, executive director of the Virginia Association of Chiefs of Police, stated that the Association will gladly distribute information as needed.

Mr. Blanchard stated that the tow truck operators should self regulate.

Other Business:

There was no other business before the Board.

Next Meeting:

Chairman Flaherty stated that the next meeting is to be held in May 2010.

Adjournment:

Chairman Flaherty requested a motion for adjournment. Mr. Wyatt so moved, Mr. Orr seconded that motion, and all were in favor. The meeting adjourned at 11:16 am.